



2. The express terms of the Settlement Agreement require that it be kept confidential. Specifically, Paragraph 5(a) requires, among other things, that if a party to the Settlement Agreement is required to disclose part or all of the terms of the Settlement Agreement in court papers, the party must request that any documents including or describing the Settlement Agreement be filed under seal or lodged in camera so as not to become part of the public record. Accordingly, Caterpillar requests leave from the Court to file its Memorandum of Law in Support of its Motion to Dismiss, and Exhibit A attached thereto, under seal.

3. Caterpillar has filed a public redacted version of its Memorandum of Law and will deliver to the Court and counsel for the parties an unredacted copy of the Memorandum and exhibits.

WHEREFORE, Caterpillar respectfully requests that the Court grant Caterpillar leave to file its Memorandum of Law in Support of its Motion to Plaintiffs' Complaint, and attached Exhibit A, under seal, and grant such other and further relief as justice may require.

Dated: September 2, 2015

Respectfully Submitted,

By: /s/ Anand C. Mathew

LOWENSTEIN SANDLER LLP Andrew M. Reidy ( <i>pro hac vice</i> ) Michael J. McGaughey ( <i>pro hac vice</i> ) 2200 Pennsylvania Avenue, NW Suite 500E Washington, DC 20037 202.753.3800 <i>Attorneys for Defendant Caterpillar Inc.</i>	HONIGMAN MILLER SCHWARTZ AND COHEN Paula E. Litt (PLitt@honigman.com) Anand C. Mathew (AMathew@honigman.com) One South Wacker Drive, 28th Floor Chicago, Illinois 60606 312.701.9300 <i>Attorneys for Defendant Caterpillar Inc.</i>
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**CERTIFICATE OF SERVICE**

I, Anand C. Mathew, an attorney, hereby certify that on September 2, 2015 I caused a copy of the foregoing to be served via CM/ECF upon all counsel of record.

/s/ Anand C. Mathew